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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,645	07/10/2003	Kam Tong Chan	HKPC/363/US	3442

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EXAMINER

HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,645

Applicant(s)

CHAN, KAM TONG

Examiner

Gloria Hale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities: On page 2, line 3, after "with" insert - - the - - and in line 6, after "injuring" insert - - the - - . On page 4, line 2, reference number 24 refers to a "sheath body" but in line 4 reference number 24 refers to "the sheath body edge". Consistent reference numbers should be used throughout the specification. On page 3, lines 31-33 the recitation describes a "bra sheath 10" first stating that it is "As best shown in figure 2" and then in parentheses states "shown best in figure 3". However, this is confusing since reference number 10 is only in figure 3. On page 5, the last paragraph does not end with a period (.).

Appropriate correction is required.

Claim Objections

Claims 1-10 are objected to because of the following informalities: In claim 1, line 1 it is not clear as to whether the bra itself is a 'safety bra' or as to whether the sheath is what is "safe". In claim 3, line 2, after "extending" insert - - the - - .

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the underwire itself as claimed in claims 13 and 20 and the bra and bust cup as claimed in claim 20 must be shown or the feature(s) canceled from the claim(s). Also it is not clear as to whether the depiction of the two pieces of elastic nylon thread and two pieces of fusible thread in alternating order are shown in the drawings. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regard to claim 1 and as disclosed in the specification on pages 2-7, it is not clear as to what the "textile" in regard to the "sheath body" actually encompasses. Is it textile fabric or material? In regard to claim 2 it is not clear as to how the "trough" forms

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gaps with the sheath body since the trough and gaps are within the inner surface of the liner when the layers are folded into a tubular shape. In regard to claim 3 it is not clear as to how the liner is formed by extending the sheath body outwards and as to how it is wrapped in the inner surface of the sheath body after folding. In regard to claim 4 it is not clear as to what the "superficial layer" comprises. There is no support in the specification for the term "superficial layer". In regard to claim 6 it is not clear as to whether the specification provides support for the warp threads as being comprised of two pieces of elastic nylon thread and two pieces of heat fusible thread in alternating order.

In regard to claims 11 and 20 it is not clear as to whether the "sheath" and the "sheath body" are the same component and as to how the opposing edges of the "sheath body" form the tunnel. It appears that the tunnel is formed between the liner inner surface and an inner surface of the sheath body. In regard to claim 20 it is not clear as to how the softness layer is formed by the woven threads of the liner and as to how the softness layer is secured along a lower portion of the bust cup. Also in regard to claims 7 and 10 the "fine hair claimed" has not been clearly described in the specification.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 are unclear and confusing for the same reasons stated above in addition to the following.

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In claim 3, lines 2 and 3 it is not clear as to what "its" refers and in lines 2-3 there is no antecedent basis for "the inner surface". In regard to claims 7 and 10 the structure of the "fine hair" is not clear.

However, the claims, as best understood, have been examined on their merits.

Claims 1, 11 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-10 and 12-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falla et al (US 6,682,395) patent discloses a bra sleeve and underwire structure within a brassiere. Lonati et al (US 6,082, 145; McCartney et al (US 5,669,247) and Goff et al (US 3,685,549) all discloses fabrics used in underwire sheaths in brassieres.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 703-308-1282. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gloria Hale
Primary Examiner
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